IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 12451 of 1992

Between:

Batchu Venkatappa Reddy,

S/o. Narsi Reddy, Agriculture, R/o. Nallapadu,

Guntur Rural Mandal, Guntur District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. By the District Collector, Collectorate Buildings, Guntur.

2. The Revenue Divisional Officer, Guntur Collectorate Buildings, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ or order or direction more particularly one in the nature of writ of mandamus directing the Respondents to issue the petitioner a cheque for Rs.1,36,229-80 paisa together with interest at the rate of 18% per annum from the date of Award No.4 of 1990 dt. 16.05.1990 passed by the 2nd respondent towards land compensation payable to the petitioner as the legatee of Challa Venkatappa Reddy under his will dated 16.06.1986 who died on 30.07.1990 or alternatively to refer the matter to the Principal Subordinate Judge Court (Land Acquisition Court) Guntur for adjudication and payment of land compensation together with interest at 18% per annum from the date of Award No.4 of 1990 dated 16.05.1990 till the date of payment to the petitioner as the legatee under the will dated 16.06.1986 executed by Challa Venkatappa Reddy who died on 30.07.1990.

Counsel for the Petitioner: MR.D.V.REDDY

Counsel for the Respondents: THE G.P. FOR REVENUE.

The Court made the following

ORDER:

The petitioner as a legatee under the will executed by the deceased Challa Venkatappa Reddy filed this writ petition for a direction to the respondents to issue a cheque for Rs.1,36,229.80/- towards compensation for the lands acquired by the respondents to an extent of Acs.0.73½ of Nallapadu village for the purpose of construction of houses to general public by A.P. Housing Board under an Award No.4 of 1990 dated 16.5.1990.

Initially the respondents acquired the lands from Chall Venkatappa Reddy by order dated 16-5-1990 and awarded an amount of Rs.1,36,229.80 towards compensation vide cheque dated 28-7-1990. After receiving the cheque, Challa Venkatappa Reddy died on 30-7-1990 without encashing the same. Chall Venkatappa Reddy had executed a registered will dated 16-6-1986 bequeathing all his properties to the petitioner except a tiled house. After the death of Chall Venkatappa Reddy as a legatee the petitioner approached the Mandal Revenue Officer, Guntur to issue legal heir certificate. The Mandal Revenue Officer after conducting enquiry issued a certificate in L.Dis NO.165/91-B, dated 28.1.1991 declaring the petitioner as the next legal heir to the deceased Challa Venkatappa Reddy, who died on 30-7-1990, to receive compensation from the Government. Accordingly, the petitioner submitted a representation dated 1-2-1991 along with required documents before the second respondent requesting him to issue a fresh cheque in his favour for the compensation amount. Alleging that the respondents have not issued fresh cheque towards the compensation amount, the petitioner filed writ petition No.7727 of 1992 before this Hon'ble Court and this Court by order dated 23-7-1992 disposed of the said writ petition directing the petitioner to make a fresh representation to the second respondent and the second respondent was directed to consider the same and pass appropriate orders. Alleging that though the petitioner filed a fresh representation on 6-8-1992 along with the documents required, as directed by this court, the respondents have not issued any cheque, but he was asked to produce legal succession certificate from the competent Court, petitioner filed the present writ petition.

Whether the petitioner is a legatee of Chall Venkatappa Reddy and whether the registered will dated 16-6-1986 purported to be the evidence or not are the questions to be adjudicated by a competent civil Court. This Court cannot go into all these questions under Article 226 of the Constitution of India. The writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

T. Meena Kumari, J.

4th November, 2004.

Js.

ASSISTANT REGISTRAR

To

1. The Government of Andhra Pradesh, rep. By the District Collector, Collectorate Buildings, Guntur.

2. The Revenue Divisional Officer, Guntur Collectorate Buildings, Guntur.

3. Two CCs to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad. (OUT).

4. 2 CD copies.